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LETTER DATED 21 DECEMBER 1997 FROM THE PERMANENT REPRESENTATIVE OF IRAQ TO THE UNITED NATIONS ADDRESSED TO THE PRESIDENT OF THE SECURITY COUNCIL

On instructions from my Government and with reference to the letter dated 17 December 1997 from the Executive Chairman of the Special Commission addressed to the President of the Security Council (S/1997/987), to which was attached his report on his visit to Baghdad from 12 to 16 December 1997, I have the honour to transmit to you herewith the comments of the Iraqi side on the progress made during that visit as well as on the shortcomings and inaccuracies found in the above-mentioned report as regards the positions of the Iraqi side. The attached comments also contain observations on the summary given by the Executive Chairman of the Special Commission during the Council's consultations held on 18 December 1997.

I should be grateful if you would have the text of this letter and its annex containing the observations of the Iraqi side circulated as a document of the Security Council.

(Signed) Nizar HAMDOON
Ambassador
Permanent Representative

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Annex

[Original: English]

Comments on the report of the Executive Chairman of the Special Commission

I

The discussion in Baghdad focused primarily on the issues raised in the letter of the Executive Chairman of 27 October 1997. The discussion in Baghdad achieved the following:

1. It was agreed to organize technical evaluation meetings on the issues of priority contained in the above-mentioned letter:

- In the missile area, the issue of the warheads;

- In the chemical area, the issue of the VX and the mustard shells;

- In the biology area, the entire programme will be subject of the discussion.

2. Improving the modalities of the inspection of the sensitive sites.

3. On the issue of access, the Iraqi side provided clarification sought by the Special Commission on the matter.

The report, however, from Iraq's point of view, contains inaccuracies and incomplete descriptions of Iraq's position regarding certain issues raised during the discussion, as follows:

On the issue of access, the Executive Chairman indicated in paragraph 9: "Presidential and sovereign sites ... were not clearly defined, except that it was stated that they were areas associated with the Presidency and were well known." What we stated was the following: They were sites of clearly defined locations and clearly defined boundaries.

In paragraph 12, the Executive Chairman added the phrase "except for the most secret rooms therein". This was not mentioned by the Iraqi side. However, what was mentioned during the discussion was a reference to a specific instance which occurred during the third inspection of the Iraqi Intelligence Service headquarters when Mr. Scott Ritter in June 1997 wanted access to the room containing the record of the intelligence officers.

On the civilian sites, we did not say we don't have legal authority; what we have said was that the citizen may or may not allow entry to his private residence and we will not impose that on him, which precludes the possibility from a practical point of view of granting immediate access. On the same issue of private residence, the Executive Chairman did not make the reservation stated in paragraph 23 that Iraq lacked domestic authority over such sites. The record

shows that he indicated that this was a point connected with the citizen's rights.

At the end of paragraph 28, the Executive Chairman reported that "the Deputy Prime Minister agreed to this approach"; the record shows that the Deputy Prime Minister took note of the approach.

In the technical discussion part of the report, the statement made in paragraph 31 that "Iraq would not itself volunteer any new information" is incorrect. Iraq expressed its wish to present its own dossier, but at the moment it has no new information regarding these issues to be discussed at the technical evaluation meetings.

As for the remark that "it preferred a situation where it would verify the information held by the Commission", this remark was never made by Iraq.

As for paragraph 33, it starts with a basic misrepresentation of Iraq's basic position that Iraq "declined the Commission's invitation to develop, together, an additional joint programme of work ...". The Commission technical team presented a set of questions and made references to questions submitted previously and suggested that they be included as the subjects of the joint programme of action. Iraq pointed out that there was nothing new in those questions and that the information requested had been supplied before and most of those questions were of secondary importance and were unrelated to the priorities of the joint programme of action subjects of the technical evaluation meetings. Iraq added that the answers to those questions would be made expeditiously in the normal course of work between the two sides.

As for the last sentence that Iraq "would not itself take part in the articulation of a specific programme of intensive work", this is far from the truth. Iraq very much wanted to take part in the articulation of a specific programme of intensive work as stipulated in the Executive Chairman's letter dated 27 October 1997.

As regards paragraph 38, we would like to point out that Iraq on its part will present its own dossier to the technical evaluation meetings through UNSCOM.

Our understanding is that the findings of the technical evaluation meetings would be submitted to the Executive Chairman, who would make his judgement regarding the findings.

The meeting was fully recorded for future reference to both sides and to the Security Council.

II

We would like to make the following observations regarding some of the points presented by the Executive Chairman to the Security Council on 18 December 1997:

(a) Iraq's TV did not broadcast the videotapes of the meetings. Only authorized segments of a few seconds without sound were shown on Iraq's TV;

(b) The reference made by the Executive Chairman that the Deputy Prime Minister had indicated that the number of the presidential and sovereign sites is five is inaccurate. The Deputy Prime Minister informed the Executive Chairman during a tête-à-tête meeting that presidential sites are located in a number of governorates such as Baghdad, Tikrit, Basra, etc., but not in every part of Iraq, as was suggested by some sources;

(c) The clarification we made during the discussion was that the presidential and sovereign sites include the presidential sites and the headquarters of the ministries only, and no reference was made to "others".